THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20757 of 1998

Dated:26.09.2007

Between

M.Suryanarayana

..Petitioner

and

1.The Joint Manager (Port Operation)
Food Corporation of India, Visakhapatnam
And another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20757 of 1998

ORDER:

This writ petition is filed being aggrieved by an award dated 16.3.1996 made in I.D.No.13 of 1992 on the file of the Industrial Tribunal cum Labour Court at Visakhapatnam.

The petitioner is the workman and 1st respondent is the Management. The petitioner made a claim petition under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act'). It is the case of the petitioner that he worked as a part-time scavenger in the first respondent organization from March 1989 till 26.6.1990 on which date his services were terminated. It is also his case that he worked for a period of six years prior to March 1989 in place of his grand mother Sitamma, who was a scavenger. According to the

petitioner, the termination of his services is arbitrary and illegal and violative of Section 25-F of the Act.

The respondent-Management filed a detailed counter denying the allegations made by the petitioner stating that the petitioner is not the workman within the meaning of the Act. The fact that the petitioner worked for six years prior to 1989 was also denied. Further it is stated that the petitioner worked 283 days only and he is not entitled to any notice or compensation, but on humanitarian grounds, the Management sent a letter dated 5.1.1991 to the petitioner inclusive of a cheque for Rs.1,003/- with all particulars. The cover returned as the workman was not available at the address. Further, he is not entitled for any relief as claimed and the provisions of Section 25-F of the Act are not violated.

After hearing both the parties and considering the evidence on record, the labour Court came to the conclusion that the petitioner was offered the compensation and since he refused to receive the same it was sent by registered post on 5.1.1991

and that was also returned as the addressee was not available. Under those circumstances, the Labour Court came to the conclusion that the petitioner himself refused to receive the compensation which was required to be paid under Section 25-F of the Act at the time of termination of his services and thus denied to grant any relief.

I am of the opinion that the Labour Court has not committed any error calling for interference of this Court. The writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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26-09-2007

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